

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
UTILITIES AND ENERGY

MAY 1998

MEMBERS:

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Sen. John J. Cleveland

Sen. Philip E. Harriman

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

LD 2214

An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District

P & S 69

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2214 proposed to repeal the laws governing the Jackman Water District and the Jackman Sewer District. The Jackman Water District and the Jackman Sewer District were merged to create the Jackman Utility District pursuant to Private and Special Law 1997, chapter 30. This bill would complete the merger process.

Enacted law summary

Private and Special Law 1997, chapter 69 repeals the laws governing the Jackman Water District and the Jackman Sewer District. The Jackman Water District and the Jackman Sewer District were merged to create the Jackman Utility District pursuant to Private and Special Law 1997, chapter 30. This law completes the merger process.

LD 2220

Resolve, Regarding Legislative Review of Chapter 301: Rules for Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 100
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-913

LD 2220 provided for legislative review of Chapter 301: Standard Offer Service, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-913) proposed to authorize the Public Utilities Commission to finally adopt its standard offer rule provided the rule were amended to provide that transmission and distribution utilities are held harmless for prudently incurred costs associated with being required to provide standard offer service in the event of a default by a standard offer service provider.

Enacted law summary

Resolve 1997, chapter 100 authorizes the Public Utilities Commission to finally adopt its standard offer rule provided the rule is amended to provide that transmission and distribution utilities are held harmless for prudently incurred costs associated with being required to provide standard offer service in the event of a default by a standard offer service provider. Chapter 100 was enacted as an emergency measure effective March 30, 1998.

LD 2221

An Act to Amend the Charter of the Ogunquit Sewer District

P & S 78

LD 2221 proposed to authorize the citizens of the Town of Ogunquit by referendum to dissolve the Ogunquit Sewer District and establish a town sewerage department.

Committee Amendment "A" (H-947), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to provide a mechanism for the recall by special election of trustees of the Ogunquit Sewer District for misfeasance, malfeasance or nonfeasance in office. This provision mirrors the provision currently in law governing Sanitary Districts. This amendment also proposed to permit the voters of the district to petition to have the trustees hold a special meeting. The voters of the district at the special meeting could hold a vote during the special meeting, but the result of the vote would be non-binding on the trustees of the district.

House Amendment "A" to Committee Amendment "A" (H-1046) proposed to strike the emergency preamble and the emergency clause from the bill.

Enacted law summary

Private and Special Law 1997, chapter 78 provides a mechanism for the recall by special election of trustees of the Ogunquit Sewer District for misfeasance, malfeasance or nonfeasance in office. This amendment also provides that the voters of the district may petition to have the trustees hold a special meeting. The voters of the district at the special meeting may hold a vote during the special meeting, but the result of the vote is not binding on the trustees of the district.

LD 2237 **Resolve, Regarding Legislative Review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-956
	OTP-AM MIN	H-960 COLWELL
		S-592 CLEVELAND

LD 2237 provided for legislative review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-956), which was finally adopted, was the majority report of the Joint Standing Committee on Utilities and Energy and proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, provided that the rule were amended as follows:

1. Provisions relating to the calculation of the value of good will used by an affiliate were modified to require the Public Utilities Commission to establish for an initial 3-year period an annual amount that must be paid by the affiliate for the use of good will; to require the Public Utilities Commission to reexamine the value of the good will at the end of the initial 3-year period and establish an amount that must be paid by the affiliate for the use of good will for the next 3 years; and, at the end of 6 years, to establish that the value of good will is zero;